

DATE

Kevin A. Caillouet, Ph.D., M.S.P.H.
St. Tammany Parish Mosquito Abatement District
62512 Airport Road, Building 23
Slidell, Louisiana 70460

**Re: Louisiana Board of Ethics Docket No. 2021-721
Advisory Opinion**

Dear Dr. Caillouet:

The Louisiana Board of Ethics, at its November 5, 2021 meeting, considered your request for an advisory opinion as to whether employees of the St. Tammany Parish Mosquito Abatement District may receive certain royalties related to a device created by such employees.

FACTS PROVIDED

The St. Tammany Parish Mosquito Abatement District (the “District”) is a parish-wide public agency, and its employees are public servants. To foster and incentivize creativity among its employees, the District provides, as set forth in its employee handbook, that employees who participate in the invention of intellectual property that generates revenue may be compensated through royalty agreements to be entered into between the District and the employees. This intellectual property policy was adopted and approved by the District’s Board of Commissioners on June 16, 2015.

The District currently has a device invented by employees that it wishes to have the St. Tammany Parish Council, and potentially other parishes or municipalities, require property owners to implement.

You ask whether the employees who participated in the invention of the device may be paid royalties from the sale of these devices to purchasers outside of St. Tammany Parish. You also wish to know whether the District can engage the St. Tammany Parish Council to require property owners in St. Tammany Parish to purchase the device at cost, with no royalty payment made as a result of such sales.

LAW

La. R.S. 42:1111A prohibits a public employee from receiving anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position.

La. R.S. 42:1116A provides that no public servant shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to provide himself, or other person with anything of economic value. This Subsection shall not be construed to limit that authority authorized by law, statute, ordinance, or legislative rule in carrying out official duties.

ANALYSIS

In accordance with La. R.S. 42:1111A, as royalty-sharing payments were set forth as duly authorized compensation for employment by the District, any royalties paid pursuant to these agreements would be compensation to which employees are duly entitled to receive for the performance of their job duties and responsibilities.

Additionally, any official action taken by the St. Tammany Parish Council, to the extent that such action is duly authorized and within its jurisdiction, would not represent a violation of La. R.S. 42:1116A, regardless of whether these devices would be sold at cost or for profit.

Whether the St. Tammany Parish Council is authorized to take such action requiring property owners to purchase these devices is outside the purview of the Louisiana Board of Ethics.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would permit District employees to be paid royalties that are awarded pursuant to St. Tammany Parish's policy. With respect to your question as to the propriety of the St. Tammany Parish Council requiring residents to purchase a device created by parish employees, the Board issues no opinion as to whether the St. Tammany Parish Council is authorized to enact such requirements.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board